

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRAD HARBISON, as independent
administrator of the estate of
Danielle Renee Harbison, and
BRAD HARBISON, as next friend of
minor children Wes Harbison and
Molly Harbison,

Plaintiffs,

vs.

THE COUNTY OF SARPY, NEBRASKA, a
political subdivision of the State of
Nebraska, SARPY COUNTY SHERIFF'S
OFFICE, an Agency of the County of Sarpy,
SHERIFF JEFF DAVIS, MARK TOPIL,
MARK SHILLER, ALLYSA RANGE,
TIMOTHY KENDALL, CODY KRUSE,
DANIEL POTMESIL, REECE POST,
AARON JONES, CITY OF BELLEVUE, a
municipal corporation and political
subdivision of the State of Nebraska,
BELLEVUE POLICE DEPARTMENT, an
agency of the City of Bellevue, POLICE
CHIEF MARK ELBERT, AARON JEZEK,
MATT MCGINN, BELLEVUE FIRE
DEPARTMENT, an agency of the City of
Bellevue, FIRE CHIEF PERRY GUIDO,
ERIN MCCORMICK, JASON WEBER,
MARK ARMSTRONG, ERIC MIXAN, and
KEITH SANDERS,

Defendants.

8:20CV245

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. With leave of Court, the plaintiffs have filed a Second Amended Complaint. Filing No. 86. Defendants Sarpy County, Nebraska, Sarpy County Sheriff's Office, Sheriff Jeff Davis, Mark Topil, Mark Shiller, Allysa Range, Timothy Kendall, Cody Kruse, Daniel Potmesil, Reece Post, and Aaron

Jones (“the Sarpy County defendants”), and defendants City of Bellevue, the Bellevue Police Department, Police Chief Mark Elbert, Aaron Jezek, Matt McGinn, the Bellevue Fire Department, Fire Chief Perry Guido, Erin McCormick, Jason Weber, Mark Armstrong, Eric Mixan, and Keith Sanders (“the Bellevue defendants”) have filed answers to the Second Amended Complaint. Filing No. 87 and 88. The Second Amended complaint and the defendants’ answers thereto render the pending motions to dismiss, Filing Nos. 71 and 73, moot. Accordingly,

IT IS HEREBY ORDERED that defendants’ motions to dismiss (Filing Nos. 71 and 73) are denied as moot.

Dated this 12th day of November, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge